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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 005168

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [EG](#)
SUBJECT: AYMAN NOUR POSTPONES HEART SURGERY INDEFINITELY

REF: A. (A) CAIRO 4856
[1](#)B. (B) CAIRO 4196

Classified by DCM Stuart Jones, for reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Gameela Ismail, wife of imprisoned Al Ghad Party leader Ayman Nour, told poloff in an August 14 meeting that Nour has decided to "hold off" on cardiac surgery to replace his heart stents (ref A). According to Ismail, the Al Ghad party is organizing a September conference to mark the one-year anniversary of the presidential elections, and is planning on inviting former President Jimmy Carter and Nelson Mandela, in the hopes that the presence of such high-profile personalities will focus attention on Nour's plight, and pressure the GOE to release him. Nour has filed a request with the Public Prosecutor to apply Article 37 of the Prisons Law, which reportedly states that if a prisoner has "life threatening health problems," the prison doctor should draft a report on his health, and recommend his release from prison under a health-based pardon signed by the director of the Prisons Authority. Embassy has urged GOE contacts to ensure Nour receives appropriate medical care.
END SUMMARY.

[1](#)2. (C) Gameela Ismail, wife of imprisoned Al Ghad Party leader Ayman Nour, told poloff in an August 14 meeting that Nour has decided to "hold off" on cardiac surgery to replace his heart stents (ref A). Nour is hopeful that he may be freed in the coming months (see paras 6 and 7), and thus "wants to delay the operation for now." Ismail reported that Nour's uncle, heart surgeon Mahmoud Hassanein, visited Tora Prison with her on August 13, and examined Nour. According to Hassanein, Nour is "stable, not experiencing any pains, but heart failure could happen at any time." In response to the Ambassador's offer to intervene with Minister of Health Gebali, Ismail asked us to "hold off." Nour blames Gebali for the delay of his surgery.

[1](#)3. (C) Ismail asserted that, prior to Nour being moved to the hospital from Tora Prison, the medical staff had been extremely solicitous, even offering that Nour could stay for a week to ten days, not only for preliminary testing before his surgery, but also in order to address other health issues (i.e. toe infection, dental problems). However, on the day Nour was moved to the hospital, "everything changed," according to Ismail. The hospital staff reportedly informed Ismail that they were being "told" to do the heart surgery that same day, rather than undertaking the promised pre-operational tests. Ismail was also allegedly asked for an immediate cash payment of 50,000-60,000 LE, despite having already paid what she defined as "the normally appropriate downpayment" of 17,000 LE in cash.

[1](#)4. (C) Ismail told poloff she was not permitted to see Nour while at the hospital (although she had the necessary legal permissions in hand), and that she was also refused the right to stand outside his room and talk to him through the door.

She asserted that there was "heavy security" while Nour was in the hospital - "five colonels were in the room with Nour, two soldiers at the door, and dozens of guards in the hallways ... the nurses were not allowed to attend to him! And the security services kept on trying to take his medical file to photocopy it, so I took it, as it is not their right to look at his medical file." (Note: A recent article in the pro-government daily "Rose Al Youssef" reports that the Deputy Director of the hospital has filed a complaint against Ismail for "seizing" Nour's medical file. End note.)

15. (C) DCM has urged Gamal Mubarak advisor, Mohammed Kamal, and MFA Assistant Minister Salama Shaker, to pay close attention to Nour's medical condition. Without endorsing Ismail's version of events, DCM stressed the humanitarian and political importance of ensuring proper medical care for Nour in prison.

16. (C) According to Ismail, the Al Ghad party is organizing a September conference to mark the one-year anniversary of the presidential elections. Nour views this as a good opportunity "to ask for his release"; Al Ghad is planning on inviting former President Jimmy Carter and Nelson Mandela, and hopes that the presence of such high-profile personalities will focus attention on Nour's plight, and pressure the GOE to release him. Ismail is concerned that the conference may "antagonize" the GOE, and "have the reverse effect of what is intended," but Nour is apparently heavily focused on the event, so planning is moving forward.

17. (C) Nour has filed a request with the Public Prosecutor to apply Article 37 of the Prisons Law, which reportedly states that if a prisoner has "life threatening health problems," the prison doctor should draft a report on his health, and

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recommend his release from prison under a health-based pardon signed by the director of the Prisons Authority. Nour had already petitioned the Tora Prison doctor for a health-based pardon, but "was ignored," so now is contacting the Public Prosecutor directly. Nour has also filed a complaint with the Public Prosecutor regarding the banning of cellphones and laptop computers in prison. According to Nour, there is no law that bans the possession and use of such devices by prisoners, so he is petitioning the Public Prosecutor to be allowed to use them.

18. (C) Poloff queried Ismail on constitutional Article 149 (which provides for the President to grant amnesty), which the two had discussed in a previous meeting (ref B). Ismail noted that under other types of presidential amnesties (i.e. annual prisoner releases on the occasion of Ramadan, July 23, and October 6), prisoners are required to have already served half of their term in order to be eligible for release. She asserted, however, that under Article 149 there is no such requirement. Ismail noted that the only precedent she knows of for Article 149 being used was the release of accused Israeli spy Azzam Azzam, who was freed in a prisoner swap with Israel in 2004.

19. (C) Ismail noted that Nour's complaint against the government for not allowing him to publish newspaper articles from prison will be heard in court on August 22. She anticipates that a ruling on the case will be made the same day.

10. COMMENT: Ismail was emotional throughout the meeting. Undoubtedly, the broad outlines of what she described are true. Some of the details, however, may be colored by her distress over her husband's health situation and continuing incarceration.
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